

Appln. No. Serial No. 10/806,587

Amtd. Dated 4/15/05

First Response in Appln, Reply to Office Action of 12/15/2004

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### REMARKS

Upon entry of the foregoing amendments, Claims 1, 4-10 and 12-13 are pending in this application. The Examiner rejected Claims 1-11 under 35 U.S.C. 112, second paragraph, rejected Claims 1, 5, 6-9 and 10 under 35 U.S.C. 102(b), and indicated that Claims 2-4 and 11 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph, and rewritten to include all of the limitations of the base claim and any intervening claims. Claims 1, 4, 6, 7, and 9 have been amended, Claims 2, 3 and 11 have been cancelled, and new Claims 12 and 13 have been added in the foregoing amendment.

### Claims 1 and 4-11 Are Definite

The Examiner rejected Claims 1-11 under 35 U.S.C. 112, second paragraph, as indefinite. In particular, the Examiner indicated that the terms "essentially consisting of" in Claims 1, 6 and 9, and "essentially consists of" in Claim 7 are indefinite, and advised that an amendment changing these terms to "consisting essentially of" and "consists essentially of" respectively would overcome the rejection. Applicant amended Claims 1, 6, 7 and 9 to change the terms "essentially consisting of" and "essentially consists of" to "consisting essentially of" and "consists essentially of" respectively. Accordingly, Claims 1 and 4-11 are definite.

### Claims 1 and 9

Claims 1 and 9 have been amended to include a filter comprising ruthenium supported on activated carbon. The Examiner indicated that Claim 2, which recited a filter with ruthenium supported on activated carbon was allowable. Thus, amended Claims 1 and 9 should be in condition for allowance.

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**Claims 6-8 Are Not Anticipated by Grasso**

The Examiner rejected Claims 6-9 as anticipated by U.S. Patent No. 6,428,916 to Grasso et al. ("*Grasso*"). This rejection is traversed for the reasons discussed below.

**Claim 6**

A cooling system for a fuel cell system of Claim 6 requires, among other elements, an inert-gas injector configured to inject inert-gas into the circulation system so as to purge the oxidation reaction product of the glycol from the coolant.

The Examiner asserted that *Grasso* describes a gas injector (element 147) for removing degradation products from the coolant mixture. However, the element 147 of *Grasso* is an oxidant source apparatus for feeding reactant oxidant to the fuel cell (Fig. 2, and Column 10, lines 27-37). To feed an inert gas, it is necessary to provide a means for eliminating active components such as oxidant from the feeding gas. In the present invention, a gas tank 6 containing an inert gas and a gas injector 7 directly connected to the gas tank 6 are provided for eliminating any active components, which is described on page 8 of the specification. *Grasso* fails to show or suggest the recitation of an inert-gas injector configured to inject inert-gas into the circulation system so as to purge an oxidation reaction product of the glycol from the coolant, as required by Claim 6.

Thus, Claim 6 is not anticipated by *Grasso*, and Claim 6 should be allowed.

**Claims 7 and 8**

Claims 7 and 8 depend from independent Claim 6. The remarks made above in support of the patentability of Claim 6 are equally applicable to distinguish the dependent claims from *Grasso*. Accordingly, Claims 7 and 8 should also be allowed.

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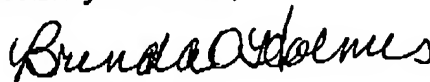
**Claim 9**

Although the Office Action states that Claims 6-9 are rejected as being anticipated by *Grasso*, Applicant believes that the inclusion of Claim 9 in this rejection was in error.

**CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,



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